

12-27-04

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Attorney Docket Number 12077US06

In The Application Of:

Richard L. Pressley and
Jeffrey D. Williamson

Serial No.: 10/822,550

U.S. Filing Date:
April 12, 2004

Title: PROCESS AND APPARATUS
FOR TREATING BIOSOLIDS
FROM WASTEWATER
TREATMENT

Examiner: To be assigned

Group Art Unit: To be assigned

Express Mailing No.:
EV 436253529 US

Date: December 23, 2004

**RESPONSE TO NOTICE TO FILE MISSING PARTS AND
PETITION TO WITHDRAW NOTICE TO FILE MISSING PARTS**

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notice to File Missing Parts of Nonprovisional Application ("Notice") dated June 24, 2004 in the above-identified application. Applicants request and petition that the Notice be withdrawn, since it was erroneously issued.

The Notice asserts that the statutory basic filing fee was missing. This is an

error: the filing fee was not missing. Applicants included an authorization to charge Deposit Account 13-0017 with their filing. Applicants' filing included a 3-page Preliminary Amendment, and the third page expressly requested and authorized the Office to charge the deposit account for "any fees incurred with this submission." (See page 3).

Therefore, Applicants request that the Office of Initial Patent Examination withdraw the Notice since it was erroneously issued. Applicants submit that no surcharge for a late filing fee should be charged.

Applicants also submit that no extension fees should be charged. Applicants' representative repeatedly contacted the Office's customer service representatives via telephone to request withdrawal of the Notice. The customer service representatives repeatedly indicated that they would pass on the request that the notice be withdrawn. However, the Notice has not yet been withdrawn. For that reason, Applicants refrained from submitting this Response until this time.

The Notice also referred to an item that appeared to be omitted from the application. However, the Notice did not mandate a response based on the omitted item, so it cannot be the basis of requiring a response to the Notice.

To the extent necessary, Applicants ask that this be considered a petition that the Notice be withdrawn.

To the extent necessary to maintain the pendency of the present application, the Office is authorized to charge any necessary fees for this submission to Deposit Account 13-0017. More particularly, the Office is authorized to charge the filing fee, extension fee and surcharge as necessary to permit Applicants to meet the statutory response deadline for the Notice. Applicants point out that they are entitled to SMALL ENTITY STATUS.

To the extent necessary to timely respond to the Notice, Applicants petition for a four-month extension of time under 37 C.F.R. § 1.136(a). As stated in the preceded

paragraph, the Office is authorized to charge the extension fee to Deposit Account 13-0017 if it is necessary.

If a fee is charged to maintain the pendency of this application, but it is later determined that Applicants are entitled to withdrawal of the Notice, Applicants request a refund of any fees charged.

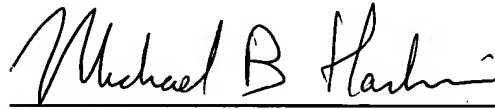
The Office is invited to contact Applicants' representative if further communication would be helpful.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Date: December 23, 2004

By:



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